

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:)	
)	
Sandra Hasty Rorie)	10-80566 13
)	
)	
Debtor.)	
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ORDER DENYING CONFIRMATION OF PLAN

THIS MATTER came before the Court on January 13, 2011, after due and proper notice, for a hearing on American Home Mortgage Servicing, Inc.'s ("American") objection to the Debtor's proposed Chapter 13 plan. Edward C. Boltz appeared at the hearing on behalf of the Debtor, Richard M. Huston, II appeared on behalf of the Chapter 13 Trustee, and Kimberly A. Sheek appeared on behalf of American.

The present case poses one of the same issues that the Court addressed in *In re Martin*, No. 10-81271 (M.D.N.C. Jan. 26, 2011). Specifically, as in *Martin*, the Debtor here proposes a plan that would re-amortize the outstanding balance of the creditor's secured claim over the remaining term of the mortgage at a permanently fixed interest rate. *Martin*, slip op. at 2. As the Court discussed in *Martin*, such treatment of a secured claim does not comply with § 1322 or § 1325 of the Code. *Id.* at 3-10; *see also In re Hayes*, No. 10-81284C-13D (Bankr. M.D.N.C. Jan. 24, 2011). Accordingly, the Court concludes that American's objection to the Debtor's proposed Chapter 13 plan is SUSTAINED.

SO ORDERED.

SERVICE LIST

Sandra Hasty Rorie
Debtor

Edward C. Boltz
Attorney for Debtor

Kimberly Sheek
Attorney for American Home Mortgage

Richard M. Hutson, II
Trustee